

DOCKET NO.: MSFT-0092/127334.4

PATENT  
FAX RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE MAR 13 2006

OFFICE OF PETITIONS

In Re Application of:

Marcus Peinado et al.

Confirmation No.: 7394

Application No.: 09/482,725

Group Art Unit: 3661

Filing Date: January 13, 2000

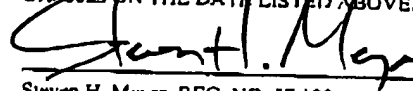
Examiner: Nguyen, Cuong H.

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CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: March 13, 2006

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
FACSIMILE TRANSMITTED TO THE PATENT AND  
TRADEMARK OFFICE TO FACSIMILE NUMBER 571-  
273-0025 ON THE DATE LISTED ABOVE.



Steven H. Meyer REG. NO. 37,180

☐ Mail Stop AF ☒ Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL PURSUANT  
TO 37 CFR § 1.114

*(Note - RCE practice is not available to United States applications with a filing date prior to June 8, 1995 or United States National Phase Applications where entry into the national phase is from an International Application filed prior to June 8, 1995. However, if a Continued Prosecution Application was filed after June 8, 1995 in one of the above-identified applications, RCE practice would then be permitted on that application)*

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on . (Any unentered amendment(s) referred to above will be entered).

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DOCKET NO.: MSFT-0092/127334.4 - 2 -

## PATENT

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on .
- ☐ Other: .
- ☒ Enclosed
- ☐ Amendment/Reply under 37 CFR § 1.116
- ☒ Affidavit(s)/Declaration(s).

After having paid the issue fee for the above application, it has been discovered that the application is defective because a proper declaration was never submitted.

In particular, the present application was filed as a continuation of the parent application thereof with a copy of the parent application and the executed declaration of the parent application, a preliminary amendment with a new set of claims, and an unexecuted supplemental declaration that correctly stated inventorship. The supplemental declaration dropped four inventors from the parent and added one. An executed copy of the supplemental declaration was never submitted.

Accordingly, the present RCE is filed along with a petition to withdraw the application from issuance (enclosed), where the submission of the RCE is the executed supplemental declaration (also enclosed in multiple parts).

- ☐ Information Disclosure Statement (IDS)
- ☒ Other: Petition to Withdrawal From Issue (37 CFR § 1.313(c))

## 2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) require)

MAR 13 2006

DOCKET NO.: MSFT-0092/127334.4 - 3 -

**OFFICE OF PETITIONS****FEE CALCULATION:**

				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> <b>RCE BASIC FILING FEE</b>				\$395.00	\$	\$790.00	\$790.00
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	18	194	0	\$25 EACH	\$	\$50 EACH	\$00.00
INDEP. CLAIMS	2	6	0	\$100 EACH	\$	\$200 EACH	\$00.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$180	\$	\$360	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$60	\$	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$225	\$	\$450	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$510	\$	\$1020	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$795	\$	\$1590	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$1080	\$	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$65	\$	\$130	\$
<b>TOTAL FEE DUE</b>					\$		\$790.00

- ☐ A check in the amount of \$ .00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☒ Please charge Deposit Account No. 23-3050 in the amount of **\$790.00**. This sheet is attached in duplicate.
- ☐ A response to the dated was due on . Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from to and through comprising an extension of the shortened statutory period of month(s).
- ☐ A Notice of Appeal was filed . An Appeal Brief is due on . Applicants are filing this Request for Continued Examination in lieu of this Appeal Brief. Petition is hereby made to extend the time period from to and through comprising a total extension of month(s).
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

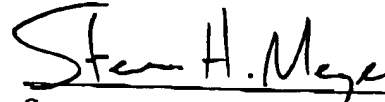
**DOCKET NO.: MSFT-0092/127334.4 - 4 -**

**PATENT**

☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: March 13, 2006

  
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